

# KAPLAN HECKER & FINK LLP

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November 22, 2022

VIA ECF

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

The Honorable Sarah L. Cave  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Catherine McKoy, et al. v. The Trump Corporation, et al.*, 18-cv-9936 (LGS-SLC)

Dear Judges Schofield and Cave:

To follow up on our letter of yesterday concerning setting a trial date and a briefing schedule for summary judgment motions, ECF 499, we write to bring to the Court's attention an order entered earlier today in *People of the State of New York v. Donald J. Trump et al.*, No. 452564/2022 (Sup. Ct. N.Y. Cnty.). In that case, which involves all four of the Individual Defendants here, the New York Attorney General ("NYAG") had similarly sought an order setting a trial date. Following a conference held today, the court in that case set a trial date for October 2, 2023. Preliminary Conference Order, *Trump et al.*, No. 452564/2022, NYSCEF No. 228 (copy attached).

This development only underscores the importance of setting a trial date in this case, which was filed nearly four years before the NYAG's case, in order to provide certainty around the schedule and to avoid disruption and delay. Balancing the considerations set forth in our letter of yesterday's date, we believe that a trial date either in August-September or November-December 2023 would be appropriate under the circumstances.

Respectfully submitted,



Roberta A. Kaplan

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES,  
Attorney General of the State of New York,

Plaintiff,

-against-

DONALD J. TRUMP, DONALD TRUMP,  
JR., ERIC TRUMP, IVANKA TRUMP,  
ALLEN WEISSELBERG, JEFFREY  
MC CONNEY, THE DONALD J. TRUMP  
REVOCABLE TRUST, THE TRUMP  
ORGANIZATION, INC., TRUMP  
ORGANIZATION LLC, DJT HOLDINGS  
LLC, DJT HOLDINGS MANAGING  
MEMBER, TRUMP ENDEAVOR 12 LLC,  
401 NORTH WABASH VENTURE LLC,  
TRUMP OLD POST OFFICE LLC, 40  
WALL STREET LLC, and SEVEN  
SPRINGS LLC,

Defendants.

Index No. 452564/2022

**PRELIMINARY CONFERENCE  
ORDER**

**Plaintiff:** People of the State of New York, by Letitia James, Attorney General of the State of New York ("OAG") - Kevin Wallace, Andrew Amer, Colleen Faherty, Eric Haren

**Defendants:** Donald J. Trump, Allen Weisselberg, Jeffrey McConney, The Donald J Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, DJT Holdings LLC, DJT Holdings Managing Member, Trump Endeavor 12 LLC, 401 North Wabash Venture LLC, Trump Old Post Office LLC, 40 Wall Street LLC and Seven Springs LLC (collectively the entity Defendants the "Trump Organization") – Alina Habba, Michael Madaio (Habba Madaio & Associates LLP), Christopher Kise (Continental PLLC)

Donald Trump, Jr. and Eric Trump – Clifford Robert (Robert & Robert PLLC)

Ivanka Trump – Reid Figel (Kellogg, Hansen, Todd, Figel & Frederick, PLLC)

It is hereby ORDERED that disclosure shall proceed as follows:

**(1) Document Production:**

- (a) Demands for discovery and inspection shall be served by all parties on or before December 9, 2022.
- (b) Responses to demands shall be served by all parties on or before December 30, 2022.
- (c) Plaintiff shall produce all transcripts of testimony from Defendants and Trump Organization employees before November 29, 2022.
- (d) Plaintiff shall provide notice to third parties, no later than November 28, 2022, that it has been ordered to produce documents and transcripts from third parties to defendants; such third parties have until December 2, 2022 to lodge an objection to such production with the Court. Absent any such objection, all third-party documents shall be produced to defendants no later than December 2, 2022.

**(2) Interrogatories:**

- (a) Plaintiff, and Defendants collectively, shall each be limited to 50 interrogatories.
- (b) Plaintiff, and Defendants collectively, shall each be limited to 50 contention interrogatories.
- (c) Interrogatories shall be served by all parties on or before December 9, 2022.
- (d) Answers to interrogatories shall be served by all parties on or before December 30, 2022.
- (e) Contention interrogatories shall be served by all parties on or before January 27, 2023.
- (f) Responses to contention interrogatories shall be served by all parties on or before February 24, 2023.

**(3) Depositions on Oral Questions:**

- (a) Plaintiff, and Defendants collectively, shall each be limited to 10 discovery depositions. Discovery depositions for all parties and non-parties shall be held by March 20, 2023. Any party may apply to the Court for leave to conduct additional discovery depositions beyond the 10 provided for.
- (b) The parties may conduct trial depositions for non-party witnesses who are unavailable for trial, as provided for in CPLR 3117, upon application to the Court. Trial depositions for all non-party witnesses who are unavailable for trial as provided for in CPLR 3117 shall be held by June 5, 2023.

(4) **Other Disclosure:**

- (a) Notices to admit pursuant to CPLR 3123 shall be served on or before February 17, 2023, with responses served on or before March 20, 2023.
- (b) Fact discovery shall be completed by March 20, 2023.
- (c) All parties shall identify the expert witnesses they intend to call at trial on or before March 27, 2023.
- (d) All parties shall produce their expert witness reports on or before April 17, 2023.
- (e) All parties shall identify any rebuttal experts on or before May 1, 2023.
- (f) All parties shall produce their rebuttal expert reports on or before May 8, 2023.
- (g) Depositions of expert witnesses (which may be taken at any point after the opening report is served) shall be completed on or before June 5, 2023. Parties are presumptively limited to one deposition of each expert identified by another party.
- (h) Expert discovery shall close on June 5, 2023.

(5) **End Date for All Disclosure:** June 5, 2023.

(6) **Note of Issue:** Plaintiff shall file a Note of Issue and Certificate of Readiness on or before June 9, 2023.

(7) **Dispositive Motions:** Any dispositive motions shall be made on or before June 26, 2023. Any opposition brief shall be filed on or before July 24, 2023. Any reply brief shall be filed on or before August 14, 2023.

(8) **Additional Directives:**

- (a) Final witness lists, final exhibit lists, deposition designations, and proposed facts to be proven at trial shall be filed on or before August 25, 2023.
- (b) Pre-trial motions shall be filed on or before September 1, 2023.
- (c) Final pre-trial conference shall be held on September 18, 2023.
- (d) Trial shall begin on October 2, 2023.

Dated: New York, New York  
November 22, 2022



Arthur F. Engoron, J.S.C.